

Message Text

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ACTION ARA-14

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 1174

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E.O. 11652: N/A
TAGS: SHUM, CASC, AR
SUBJECT: JEHOVAH'S WITNESSES

REF: BUENOS AIRES 2460

1. ARGENTINE COURT OF APPEALS HAS HELD AS UNCONSTITUTIONAL
THE BANNING OF WITNESS ACTIVITIES IN ARGENTINA. GOA HAS UNTIL
JULY 1 TO APPEAL DECISION.

2. IN A DECISION PUBLISHED JUNE 16, 1977, THE APPEALS COURT STRUCK
DOWN ARTICLES 2 AND 3 OF DECREE #1867/76 WHICH PROHIBITED WITNESS
PUBLICATIONS, BROADCASTS, PROSELYTIZING, AND WHICH CLOSED WON
THEIR MEETING PLACES. THE COURT ALSO UPHELD THAT PART OF THE VERDICT
OF THE COURT OF FIRST INSTANCE WHICH NULLIFIED ARTICLE 1 OF THE
DECREE.
ARTICLE 1 HAD IMPOSED A GENERAL BAN ON ALL WITNESS ACTIVITY IN
ARGENTINA.

3. THE COURT STATED THAT RELIGIOUS LIBERTY WAS ONE OF THE MOST
IMPORTANT RIGHTS OF MAN WHICH, EVEN THOUGH IT WAS SUBJECT TO
REGULATION, CANNOT BE DENIED. THE RIGHT TO RELIGIOUS FREEDOM
WAS ABSOLUTE SO LONG AS IT DID NOT OFFEND ORDER AND MORALITY
AND, IN ITS EXTERNAL ACTS, DID NOT FALL UNDER THE POLICE POWERS
OF THE GOVERNMENT.

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F THE ACTIVITIES OF WITNESSES WERE IN
VIOLATION OF THE CONSTITUTION OR OTHER LAW, LEGAL REMEDIES ALREADY
EXIST WHICH MAY BE ASSERTED, SUCH AS SANCTIONS FOR AVOIDING
MILITARY SERVICE, OBLIGATIONS TO REVERE NATIONAL SYMBOLS, OR
EVEN AN ORDINARY LAW SUIT FOR THE ABSENCE OF INSCRIPTION AS A
RECOGNIZED RELIGION. THESE REMEDIES, HOWEVER, MUST BE
PURSUED THROUGH THE PROPER CHANNELS.

4. WITNESSES BELIEVE GOA WILL APPEAL CASE TO SUPREME COURT.

5. EMBASSY IS FORWARDING TO DEPARTMENT COPY OF COURT'S DECISION
PLUS PARTIAL INFORMAL TRANSLATION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Sent Date: 30-Jun-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
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